

(2) -- WITHIN 1,000 FEET OF THE PROPERTY OF A PUBLIC OR NONPUBLIC ELEMENTARY OR SECONDARY SCHOOL THAT IS USED FOR SCHOOL PURPOSES; OR

(3) -- ON A SCHOOL BUS.

(B) -- A PERSON WHO VIOLATES THIS SECTION SHALL, UPON CONVICTION, BE SUBJECT TO THE FOLLOWING PENALTIES:

(1) -- FOR A FIRST OFFENSE, IMPRISONMENT FOR NOT LESS THAN 5 OR MORE THAN 20 YEARS, A FINE OF NOT MORE THAN \$20,000, OR BOTH; AND

(2) -- FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT FOR NOT LESS THAN 10 OR MORE THAN 40 YEARS, A FINE OF NOT MORE THAN \$40,000, OR BOTH. IT IS MANDATORY FOR THE COURT TO IMPOSE A MINIMUM SENTENCE OF 10 YEARS, WHICH MAY NOT BE SUSPENDED, AND A PERSON IS NOT ELIGIBLE FOR PAROLE DURING THAT PERIOD.

(A) A PERSON WHO MANUFACTURES, DISTRIBUTES, DISPENSES, OR POSSESSES WITH INTENT TO DISTRIBUTE A CONTROLLED DANGEROUS SUBSTANCE IN VIOLATION OF SECTION 286(A)(1) OF THIS SUBHEADING, OR WHO CONSPIRES TO COMMIT ANY OF THESE OFFENSES, IS GUILTY OF A FELONY IF THE OFFENSE OCCURRED:

(1) IN, ON, OR WITHIN 1,000 FEET OF ANY REAL PROPERTY OWNED BY OR LEASED TO ANY ELEMENTARY SCHOOL, SECONDARY SCHOOL, OR SCHOOL BOARD, AND USED FOR ELEMENTARY OR SECONDARY EDUCATION, AS DEFINED UNDER § 1-101 OF THE EDUCATION ARTICLE, REGARDLESS OF WHETHER:

(I) SCHOOL WAS IN SESSION AT THE TIME OF THE OFFENSE; OR

(II) THE REAL PROPERTY WAS BEING USED FOR OTHER PURPOSES BESIDES SCHOOL PURPOSES AT THE TIME OF THE OFFENSE; OR

(2) ON A SCHOOL VEHICLE, AS DEFINED UNDER § 11-154 OF THE TRANSPORTATION ARTICLE.

(B) (1) A PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION, ON CONVICTION, SHALL BE SUBJECT TO THE FOLLOWING PENALTIES:

(I) FOR A FIRST OFFENSE, IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR A FINE OF NOT MORE THAN \$20,000 OR BOTH; OR

(II) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT FOR NOT LESS THAN 5 OR MORE THAN 40 YEARS OR A FINE OF NOT MORE THAN \$40,000 OR BOTH. IT IS MANDATORY FOR THE COURT TO IMPOSE A MINIMUM SENTENCE OF 5 YEARS, WHICH MAY NOT BE SUSPENDED, AND A PERSON IS NOT ELIGIBLE FOR PAROLE DURING THAT PERIOD, EXCEPT IN ACCORDANCE WITH ARTICLE 31B, § 11 OF THE CODE.